

MINUTES
BOARD OF EXAMINERS
BAIL ENFORCEMENT AGENTS
MEETING
THURSDAY
FEBRUARY 23, 2017
10:00 A.M.
150 MARTIN L. KING, JR. BOULEVARD, SOUTH
TATNALL BUILDING
ROOM 112
DOVER, DE

I. Call To Order

Major Zebley called the meeting to order at 1004 hours and subsequently turned the meeting over to Ms. Anderson. The meeting is being recorded and will be maintained by the Professional Licensing Section.

Board introduction was done for the newest member – Mr. Alexander W. Funk who could not be with us today.

The following members of the Board of Examiners were in attendance:

Major Melissa A. Zebley
Director John Yeomans
Ms. Robin David
Mr. Michael J. Dellose
Mr. Jack McGhee, II @ 1006
Mr. R. Dale Hamilton
Mr. Harry O. Jennings

The following member of the Board of Examiners was in attendance – non-voting:

Deputy Principal Assistant Robert Kracyla

The following members of the Board of Examiners were absent:

Alexander W. Funk, Esquire
Mr. Brandon Habron

The following staff members were in attendance:

Victoria W. Counihan, Esquire
Lieutenant Kerry B. Reinbold
Ms. Peggy L. Anderson

Mrs. Megan C. Bingham
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Captain S. Benjamin Parsons
Sergeant Matthew M. Zolper

The following guests were in attendance:

Mr. Lorin Jones

II. Review and Acceptance of Minutes

A. November 15, 2016

Major Zebley, with a second by Ms. David, made a motion to approve the minutes from 11/15/16. The motion was carried.

Mr. McGhee arrived @ 1006

III. Hearings, Appeals & Actions

A. 2016 Continuing Education Make-Up

1. February 1, 2017

- a. Craig R. Farren
- b. Armando I. Nunez
- c. Karen E. Nunez
- d. Phillip W. Shores, II
- e. Craig N. Smith

Ms. Anderson informed the Board that the above individuals, A.1.a-e, did not attend any of the Continuing Education offered in 2016 or the make-up on 02/01/17. They were sent certified/first class notification of the emergency suspension and contact has either been made or attempted on several occasions, by email and phone calls, with negative results.

Mr. Hamilton, with a second by Mr. Jennings, made a motion to issue the intent to revoke for A.1.a-e as presented. The motion was carried.

B. Updates

1. Jordanuwel E. R. Howard

Ms. Anderson informed the Board that Mr. Howard has completed, and has been removed from probation on 02/14/17 and is pursuing his firearms training.

This is for informational purposes only. No vote necessary.

IV. Training/Education

A. 2017 Continuing Education

1. June 1 – 30, 2017
2. October 1 – 31, 2017

Ms. Anderson informed the Board that the 2017 Continuing Education will be on-line this year, open on the above listed dates. Mr. Terranova elaborated on the below topics along with the instructor and the main points being reviewed. This should be approximately a four hour block. The topics to be covered are:

- Rules & Regulations updates with an emphasis on Rule 8.0 – Apprehensions
- United States Constitution and Bill of Rights
- Use of Deadly Force Continuum
- Tourniquet Application for shooting victims
- Recent News Articles on BEA's

After discussion, Mr. Jennings, with a second by Mr. Dellose, made a motion to approve the above topics for the 2017 On-Line Continuing Education. The motion was carried.

B. 2017 Initial Classroom Training

1. August 2, 2017

Ms. Anderson informed the Board that the 2017 Initial Classroom Training will be offered August 2, 2017 at DTCC Stanton Campus. The flier for registration will be posted on the DSP website as soon as it becomes available.

V. Instructors

A. Wyatt A. Foraker

Ms. Anderson asked the Board to review the handout for Mr. Wyatt's Firearms Instructor approval. Since this course is not in Rule 4.0, it must be approved by the Board. Lt. Reinbold also spoke regarding this matter.

Deputy Director Kracyla stated that he had gone through this very same course and it is very thorough.

After discussion, Mr. Jennings, with a second by Mr. Hamilton, made a motion to approve the Sig Sauer LE Instructor Course, therefore approving Mr. Foraker's request as a Firearms Instructor. The motion was carried. The Sig Sauer LE Instructor Course will be kept on file as an approved course of instruction.

VI. Rule 2.0 – Badges, Patches, Advertisements

A. Approvals

Ms. Anderson presented each of the items for approval separately as they cannot be discussed, or presented, as one.

1. Christopher V. Ascione

Major Zebley, with a second by Mr. Dellose, made a motion to approve the two vests, one that is the outer most garment with the required wording and one is the required body armor, submitted by A.1 for approval. The motion was carried.

The hat was set aside for a later decision.

2. Jordanuwel E. R. Howard

The vest from A.2 have also been set aside for a later decision. Fugitive Recovery Agent is on the front and back.

3. Lawrence M. Julian

Mr. Jennings, with a second by Ms. David, made a motion to approve a jacket with Bail Enforcement Agent on the back and his badge on the front along with a vest, submitted by A.3 for approval. The motion was carried.

4. Anthony Scalia

Major Zebley, with a second by Mr. Dellose, made a motion to approve the ballistic vest submitted by A.4 for approval. The motion was carried.

B. Rule 2.0 Amendment

The Board determined to come back to this item after hearing from Mr. Jones.

C. Lorin S. Jones

Ms. Anderson directed the Board to Exhibit C from Mr. Jones as he is challenging the use of “Fugitive Recovery Agent” on his outermost garments when working as a BEA.

Mr. Jones explained that he is also a licensed Bail Bondsman. The use of BEA in Florida is illegal. Mr. Jones had recently submitted his gear to be approved by the Board and received correspondence that it had been denied for the use of Fugitive Recovery Agent that he has been using since he was licensed in 2003. It would be a benefit to the citizens of Delaware to be able to use Fugitive Recovery Agent. Other states do not allow the use of BEA and it would be easier for the agents

to use Fugitive Recovery Agent rather than have many different approved garments from each state and to remember which state he is working in and to change the outermost garment all the time.

After discussion, Mr. Hamilton, with a second by Ms. David, made a motion to deny the use of “Fugitive Recovery Agent” on any item that would fall under Rule 2.0. The motion was carried.

This decision prompted the Board to return to items VI.A.1-2 and VI.B for discussion and vote.

1. Christopher V. Ascione

Director Yeomans, with a second by Major Zebley, made a motion to deny the hat as presented, with Fugitive Recovery Agent on it. The motion was carried.

2. Jordanuwel E. R. Howard

Major Zebley, with a second by Director Yeomans, made a motion to deny the vest submitted with the use of Fugitive Recovery Agent, front and back. The motion was carried.

B. Rule 2.0 Amendment

Ms. Anderson directed the Board to Exhibit B, Rule 2.0, for further review from the recommendation from the last Board meeting.

Discussion led to the deletion of more wording, as follows:

~~2.1.1.3 Some form of “Bail Enforcement Agent” must be displayed on the back of the outer most garment, the use of “BEA” only is NOT acceptable; and with the option of wording on the front of the garment.~~

Director Yeomans, with a second by Mr. Dellose, made a motion to approve Rule 2.0 Badges, Patches, Advertisements as presented with the amendments for first publication. The motion was carried.

VII. Old Business

A. Professional Licensing

1. Rule 8.0 Amendment

Ms. Anderson informed the Board that she sends an email to the ERC’s with the current/active BEA’s at the beginning of each month. It was just recently determined that Mr. Rozmarynoski, DSP’s PSAP Training Coordinator, was only sending the information to DSP ERC’s and not statewide. This prompted a review of the complete rule. The amendments can be found in Exhibit D for review.

Discussion led to the additional amendment as follows:

8.1 All BEA's licensed under 24 **Del. C. Ch. 55** are required to notify the ~~911 dispatch center~~ Public Safety Answering Point (PSAP) for the appropriate jurisdiction prior to making any attempt at an apprehension or surveillance. This notification must occur prior to responding to the address of the attempt/surveillance. Notification shall be made to the same PSAP when clearing the address of the attempt/surveillance. If notification cannot be made to the PSAP of jurisdiction, the BEA shall contact the Regional Center for the County – Recom, Kentcom, or Suscom.

Mr. Hamilton, with a second by Mr. Jennings, made a motion to approve Rule 8.0 Apprehension Procedures, as presented with the amendment for first publication. The motion was carried.

2. Rule 9.0 Adoption

Ms. Anderson informed the Board that Rule 9.0 is due for final publication. There were no comments received during the open comment period.

Mr. Jennings, with a second by Ms. David, made a motion to approve Rule 9.0 Conducted Electrical Weapon (CEW), as presented for final publication. The motion was carried.

B. Board Members

The Board members did not have any old business at this time.

C. Major

Major Zebley did not have any old business at this time.

VIII. New Business

A. Professional Licensing

Professional Licensing did not have any new business at this time.

C. Board Members

The Board members did not have any new business at this time.

D. Major

Major Zebley did not have any new business at this time.

IX. Public Comment (At the discretion of the Chairperson)

The public in attendance has already had a chance to speak.

X. Adjournment

A. Schedule Next Meeting

1. Thursday, May 25, 2017 @ 10:00am

Ms. David, with a second by Major Zebley, made a motion to adjourn the meeting. The motion was carried. The meeting adjourned at 1114 hours.